IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 23061 of 2004

Between:

J. Anand Gupta S/o J. Raja rao
ING Vysay Bank Ltd., Sadasivapet, Medak District

..... PETITIONER

AND

1. The Manager, ING Vysya Bank Ltd., Sadasivapet, Medak district.
2. The Vice-President-IR & W, ING Vysya Bank Ltd., Corporate Office, Bangalore-I.

….RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ order or Direction more particularly one in nature of Writ of Mandmaus declaring the notice in Ref. No. 100/01/ER-563 dt 27-11-2004 as bad in law and *non-est* in law in view of the suspension by the Hon'ble Principal Session Judge, Medak, Sangareddy in Criminal MP No. 1114 of 2004 in Criminal Appeal No. 139 of 2004 dt 8-11-2004, of the Sentence passed by Additional JFCM Sangareddy, Medak and consequently allow the petitioner to discharge his duties as sub-staff in the Sadashivapet Branch, under the Respondent pending the final decision in the Criminal Cases.

Counsel for the Petitioner: MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondents No.1 and 2: Mr. ADDEPALLY SURYANARAYANA S.C. for respondents.

The Court, at the stage of admission, made the following:

ORAL ORDER:-

Aggrieved by the show cause notice dated 27-11-2004 issued by the ING Vysya Bank Ltd., Sadasivapet branch, Medak district, calling upon the petitioner to explain why he be not dismissed from service for having been convicted in S.T.C.No. 270 of 2004 by the learned Additional Judicial Magistrate of First Class, Sangareddy, the writ petition is filed.

Mr. Addepally Suryanarayana, learned standing counsel appearing for the respondent-Bank, appearing on instructions at the stage of admission, submitted that the ING Vysya Bank Ltd., is neither a State nor an instrumentality of the State within the meaning of Article 12 of the Constitution of India as such the writ petition is not maintainable.

Learned counsel for the petitioner does not resist this contention nor is anything either pleaded, urged or demonstrated before this court in the pleadings accompanying the writ petition to warrant an assumption, even *prima facie*, that ING Vysya Bank is an agency or instrumentality of the State. In the factual matrix above, the writ petition is not maintainable and is accordingly dismissed. The petitioner shall, however, be at liberty to pursue such remedies as are available to him in respect of the order impugned herein and nothing in this order shall be constructed as an 'expression' by this court on the merits of the petitioner's grievance. No costs.

GODA RAGHURAM, J

Dt. 24-01-2005

Pvks/*

To

1.The Manager, ING Vysya Bank Ltd., Sadasivapet, Medak district.

2.The Vice-President-IR & W, ING Vysya Bank Ltd., Corporate Office, Bangalore-I.

3.2CD copies

*Form-NIC-OGS/WP{**TRT**}*